

**CITY OF SUTHERLIN
PLANNING COMMISSION MEETING
CIVIC AUDITORIUM – 7PM
TUESDAY, MAY 23, 2017**

COMMISSION MEMBERS PRESENT: Mandi Jacobs, Patricia Klassen, William Lee, John Lusby, Richard Price, Michelle Sumner

COMMISSION MEMBERS EXCUSED: Sam Robinson

COMMISSION MEMBERS ABSENT: None

CITY STAFF: Brian Elliott, Community Development Director and Kristi Gilbert, Community Development Specialist and Lisa Hawley, City Planner

AUDIENCE: Dave and Pam Sawaya, Joy Hanson, Bob Prehall and Michael Brown

Meeting called to order at 7:00 pm by Chair Lusby.

FLAG SALUTE

INTRODUCTION OF MEDIA: None

QUASI-JUDICIAL PUBLIC HEARING

1. **535 S. STATE LLC**, request for a Class C Variance to Road Standards for a 0.62 acre unit of land located on the west side of S. State Street in the City of Sutherlin. The Sutherlin Development Code (SDC) limits access off a flag lot to two units of land, without improvement of the access road to applicable City standards. The applicant is requesting the variance to allow one additional unit of land to access onto S. State Street via a proposed 25 foot access & utility easement due to development constraints on the subject property. The subject 0.62 acre property is described as Tax Lot 1101 in Section 20AC, T25S, R5W, W.M.; Property ID No(s). R145139. It is designated Low Density Residential by the Sutherlin Comprehensive Plan and zoned (R-1) Low Density Residential. A portion of the subject property contains identified wetlands. **PLANNING DEPARTMENT FILE NO. 17-S007.**

Chair Lusby opened the hearing, with the disclosure statement; all persons testifying shall be deemed parties to appeal the application and must provide full name and mailing address if they wish to be notified of the decision, continuances, appeals, or procedural actions required by the Code. The Sutherlin Development Code specifies applicable materials to be relied upon in making a decision.

Lusby asked the Commission if there were any conflicts of interest or personal bias; Commissioner Sumner disclosed that she drives by the subject property on her daily route. Lusby then asked the audience if there were any challenges of impartiality of any person(s) on the Commission. Hearing none, Lusby asked for the Staff Report.

Lisa Hawley, City Planner, entered Staff Exhibits 1-9, including the Staff Report into the record. She then identified the parties in the matter and summarized the Staff Report into the record.

APPLICANT'S TESTIMONY

Bob Prehall for 535 S. State LLC, 1670 Lookingglass Road, Roseburg, stepped forward and provided clarifying testimony about the requested variance. He explained why the variance was requested and that options to mitigate the wetlands were severely limited. He stated that he was not aware of the wetlands prior to application for the land division. He contended that the requested variance will protect the wetlands on the property, but will allow the building of a dwelling on the subject property. He commented that every variance could set a precedent.

TESTIMONY IN FAVOR

There was no testimony in favor.

TESTIMONY IN OPPOSITION

David Sawaya, 555 S State St, Sutherlin, stepped forward and stated that he is buying a portion of the subject property from the applicant under an unrecorded land sales contract. Mr. Sawaya expressed strong opposition to the variance. He stated he was told when he purchased the property that the access easement in question would only serve two lots. His dwelling at 555 S. State St is located at the west end of the easement. He stated that he felt the variance is being done to save money and cut costs of development.

APPLICANT'S REBUTTAL

Mr. Prehall explained that he was not doing the variance to save costs, but to make reasonable use of his property. Mr. Prehall also answered questions from the Planning Commission on the wetlands, including the status of the submittal of the wetland delineation permit to DSL (Department of State Lands), which hadn't occurred as of the time of the public hearing. Mike Brown, on behalf of the applicant, also commented on trying to develop a usable portion of the property outside of the wetlands.

The Planning Commission asked several clarifying questions of staff and the applicant regarding the status of the wetlands permit with DSL, as well as the paving of the shared access easement. Mr. Brown, on behalf of the applicant, stated that the access driveway has been paved. Mr. Sawaya commented that no ground cloth was laid down for the paving and questioned the longevity of the asphalt.

Chairman Lusby commented that in years past, the City had many issues with the number of driveways coming off flag lots, resulting in negative impacts on development, and explained that the City did amendments to their code to limit the number of driveways off a flag lot.

Discussion ensued regarding one additional user on the 25-foot shared driveway not being materially detrimental to the purposes of the Development Code or to other properties in the same land use district or vicinity. The Commission further discussed, based on the existing wetlands and the proximity of the first dwelling on the shared driveway easement to the right-of-way of S. State Street, that a precedent has not been created to allow more parcels on a private shared driveway or access easement without improvement to full City standards. It was discussed that a fire turn-around may be required at the time of future structural development of the subject property due to the length of the access driveway.

Chair Lusby closed the public portion of the hearing.

A motion made by Commissioner Sumner to approve the requested Variance to Road Standards for a 0.62 acre unit of land; second made by Commissioner Jacobs.

In favor: Commissioners Jacobs, Lee, Price, Sumner and Chair Lusby

Opposed: None

Motion carried unanimously.

PUBLIC COMMENT - None

COMMISSION COMMENTS – None

ADJOURNMENT - With no further business the meeting was adjourned at 7:36 pm.

Respectfully submitted,

Kristi Gilbert

Kristi Gilbert

APPROVED BY COMMISSION ON THE 29th **DAY OF** August, **2017.**

John Lusby

John Lusby, Commission Chair